

## City Council Minutes

May 13, 2002

The Council of the City of Milton-Freewater met in regular session on Monday, May 13, 2002 at 7:00 p.m. in the Council Chambers of City Hall.

Present were Mayor Key, Councilors Kelley, Stewart, Richards, Lyon, and Saager. Also present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Police Chief Mike Gallaher, Mike Watkins of the Electric Department(temporarily serving as a grant writer for the City), Finance Director Dave Richmond and Public Works Superintendent Howard Moss.

Representing the press were Jeff Durham of the Blue Mountain Pioneer and Jennifer Hemmingsen of the East Oregonian.

Citizens present were Pat Wedin, Merle Sherman, Norma Grant, Curtis Walter, Ed Chesnut, Frank Martinez, and others.

Councilor Saager moved to adopt the items in the consent calender, which included the April 22, 2002 meeting minutes. Councilor Richards seconded and the motion passed unanimously.

No citizens responded to the Mayor's invitation to approach the Council with items not on the evening's agenda.

Mike Watkins, then briefed the Council on staff's request for authorization to pursue a Community Development Block grant to fund an elevator for City Hall. Mr. Watkins explained this upgrade was long overdue and very much needed. He stated the Finance Director had supplied him with statistics on how many customers climbed the stairs on average to pay their utility bills each month. Last month alone, there were over 3,000 customers served. All of these folks had to climb the steep, narrow stairs to the second floor of City Hall. Mr. Watkins continued to state that he had obtained estimates on the cost of the elevator from a well-known supplier, Schindler. The estimates are \$45,000 for a three stop elevator and \$35,000 for a two stop elevator. This will be for a hydroelectric elevator capable of keeping up with a high traffic count. He stated that the overall cost of the project was estimated by Opp and Seibold, well respected local contractors, to be approximately \$158,000. The grant would require a 15% match, and money has been placed in the FY 03 preliminary budget to cover this, should Council wish to go forward.

Councilor Richards asked if this improvement would result in a requirement to update many other aspects of City Hall with regard to the Americans With Disabilities Act.

Mr. Watkins responded that he did not believe this would be the case as the building was pretty well compliant with wheel chair ramps and handicap accessible bathroom stalls.

Councilor Stewart asked if the elevator would be able to keep up with the high traffic count of customers in City Hall.

Mr. Watkins stated it would be a heavy duty elevator designed for such uses.

Councilor Kelley asked if the elevator would be located on the outside of the building.

Mr. Watkins stated that would be determined by the engineers.

Councilor Saager asked if this elevator would not be similar to and located the same as the elevator at Evergreen Retirement Center.

Mr. Watkins stated he had not seen this elevator, so he could not say for certain. Councilor Kelley then motioned to authorize an application for the Community Development Block Grant and schedule a public hearing, as required, for the addition of an elevator at City Hall. Councilor Richards seconded and the motion passed unanimously.

Next, Rick Currin, Library Foundation Board member, updated the Council on the new library building project. He stated the Foundation is planning a ground breaking ceremony on June 1<sup>st</sup> at 9:00 a.m. The actual construction of the new 12,000 sq. foot library is scheduled for June 15<sup>th</sup>, 2002. The Foundation is very excited, he reported, and has recently obtained permission from the Valley Foundation for an advance on the grant monies so that construction can begin as soon as possible. He stated there is only \$140,000 left to raise in matching funds.

Councilor Kelley asked if this figure were actual, or if the figure were actually \$280,000, but only \$140,000 were needed as the Foundation would match that figure dollar for dollar.

Mr. Currin replied this was the case. There was actually \$280,000 left to hit the total required, but only \$140,000 actual dollars were left to be raised.

Councilor Richards asked about the elevator planned for the library building. She stated at one time it was planned to connect it by a breeze way to the third floor of City Hall. Howard Moss replied this idea had not received support on staff's side, so it had been abandoned.

Councilor Richards asked if this grant would also cover any of the structural shoring improvements to the building.

Mr. Moss stated it would include some of these shoring and seismic improvements to City Hall.

Discussion then ensued regarding the details of the new library building.

Councilor Richards asked Mr. Currin if he had heard of options for the old Carnegie Library.

Mr. Currin stated he had in fact heard from a party who was interested in a wine tasting business being located there.

Councilor Richards stated she would contact someone who could speak to the Council regarding options for the old library.

Councilor Lyon commented that he had been asked by many citizens about the disposition of the old library building.

Mr. Currin stated this was at the discretion of the Council.

Councilor Richards stated she would like to see this on a council meeting agenda in the near future for a decision.

Next considered was a request to lower the after hours rental rates for the aquatic center.

Howard Moss reported he had been asked by several citizens, including representatives from the School District, to consider lowering the rental rates for after hours use of the pool. He was bringing this forward to the council for ultimate decision, however his recommendation favored the lower rates. For example, the current rate is \$150 per hour for 1 to 65 pool users. The new rate would be \$100. He stated he estimated this action to have a less than 1% impact on the pool's revenues. It is also possible that the revenues would increase with more rentals at the new lower rate. Further the

Recreation Committee has recommended that the Council adopt a fee structure that provides for families with over 5 members to pay the regular fee of \$25.00 swim lessons. The \$25 fee is for the first two family members taking lessons. Each additional family member taking lessons would pay only \$10.00. Currently these families have received the lessons for no additional charge upon purchase of their family season pass.

After a brief discussion, Councilor Richards moved to adopt Resolution No. 1883, Resolution establishing Aquatic Center rates as outlined. Councilor Kelley seconded and the motion passed unanimously.

Next considered was an amendment to the employee pay plan by the addition of the position of Accounting Supervisor.

Finance Director Dave Richmond reported to the Council that his Accounting Technician, Luke Billings, had filled in as temporary Finance Director prior to his being hired to fill the vacancy. She had since kept a portion of these duties in that he has authorized her to supervise his immediate departmental staff on a day to day basis. Because of these expanded duties, he is suggesting her title be amended to Accounting Supervisor, and she be given a 5% increase in wage accordingly.

Councilor Saager moved to adopt Resolution No. 1884, Resolution to approve the title change from Accounting Technician to Accounting Supervisor with a new wage scale as presented. Councilor Kelley seconded and the motion passed unanimously.

Discussed next was a revision of the City Manager's performance evaluation form. City Manager Palmer reported she had been asked by the Council to update and revise this form, and she was now presenting it to the Council for adoption should they approve of it.

Councilor Richards stated it was very well done and adequately covered all critical core aspects of the Manager's job.

Councilor Kelley moved to adopt the evaluation form for the City Manager's performance evaluation. Councilor Lyon seconded and the motion passed unanimously. After a brief discussion, it was the consent of the Council to fill out the evaluation forms individually and return them through the Assistant City Manager to the Mayor by Monday, May 20<sup>th</sup>. The Mayor would then summarize the evaluations into one group evaluation which would be presented to the Manager in executive session at the May 28<sup>th</sup> City Council meeting.

Under Manager's reports, Ms. Palmer stated she and the Assistant City Manager had completed analyzing the clerical unit's job analysis'. She expected to have recommendations for any revisions and reorganizations to the Council in the near future. Further, she stated she had met this afternoon with the City's financial auditors and was happy to report no increase in fees would be charged this year. She had also met with a representative from SAIF insurance and was expecting a quote for worker's compensation insurance from them. Also, she stated she had studied the current ordinance prohibiting bicycle riding on sidewalks. She reminded Council that this had come up as a concern voiced by Councilor Saager after two people were hurt recently by bicycles being ridden on the sidewalks. She stated she had instructed the Police Chief to enforce this ordinance more assertively, and a public education program has already been instituted. She stated she would be bringing a revised ordinance on this subject before Council soon as the existing one was drafted in 1956 and did not include

scooters and in-line skates. She also had a suggestion for enforcement of the rule by requiring a parent to accompany the offending party to come to City Hall to retrieve the confiscated skateboard, bicycle or scooter. After the second offense, the toys would be kept for a minimum of 30 days. She stated this worked well as a deterrent in her experience.

Lastly, Ms. Palmer clarified that she had been quoted as being "terrified" of earthquakes after learning that City Hall was structurally compromised. She stated she and the reporter, Dennis Widmer, had laughed about this, and she wished to clarify publically that although she was not "terrified" she was certainly concerned.

Under Council Concerns, Councilor Richards shared that the Senior Center was forming an ad hoc committee to seek resolution to how the Center may get past the recent controversy. Further, they would be hosting a "senior prom" for senior citizens and were looking for volunteers to help.

There being no further business, the meeting was adjourned at 7:45 p.m.

Lewis Key, Mayor

The Council of the City of Milton-Freewater met in regular session on May 28, 2002 in the council chambers of city hall at 7:00 p.m.

The following members were present: Mayor Lewis Key, Councilors Saager, Lyon, Kelley and Stewart. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Finance Director Dave Richmond, and Police Chief Mike Gallaher. Absent was Councilor Debra Richards.

Citizens present were John Short, Ellen DeGross, Curtis Walters, Merle Sherman, Steve Irving, Don Wiggins, Keith Woods, Pat Thompson, Mary Clark, George Sandoval and others.

Representing the press was Jeff Durham of the Blue Mountain Pioneer.

#### Consent Calendar Items:

Councilor Herb Saager moved to approve the consent calendar which was the amended council minutes of May 13, 2002. Councilor Orrin Lyon seconded the motion, which passed unanimously.

Mayor Key announced that this was the opportunity for citizens to approach the council. None approached.

#### NEW BUSINESS:

PUBLIC HEARING and Resolution No. 1885. Authorizing the Abatement of Weeds and Debris. City Manager Delphine Palmer explained the transfer of weed abatements from the police department to the City's public works department. Ms. Palmer further explained that weed abatement notices were mailed May 10, 2002 with a deadline of May 21, 2002 to comply and that this hearing was the forum to issue discussion or request an extended time frame to comply with the abatement order.

Mayor Lewis Key opened and summarized the rules for public hearing.

No Ex Parte contact was declared.

Mayor Key asked if notice of hearing had been published according to ordinance.

Assistant City Manager Linda Hall stated that this had been done. Mayor Key asked if there had been any written comments. Ms. Hall replied that none had been received.

Mayor Key invited affected property owners to speak.

Richard McNulty of 1007 Jacquelyn approached the council. After comparing the weed abatement notice with a neighbor, it was assumed the abatement was referencing the

alley way. Mr. McNulty read the Oregon Statute 570.540 *Eradication of Weeds of Public Lands and Right of Ways*. Mr. McNulty further stated that this alley way was not his property and that the plotted county records indicated the alley way was a drainage ditch for the City. Mr. McNulty stated that according to the statute, he believed the City was responsible for the abatement in the alley way. Mr. McNulty then said that the only other issue he could apply to the weed abatement was perhaps his artichoke plants, which have the appearance of thistles, but the notice was without any specificity, which is also required. Mr. McNulty said that previously he had mowed this alley, but that under the statute he didn't feel that this was necessary.

City Manager Delphine Palmer stated she had also received a weed abatement notice and after a discussion with the Superintendent of Public Works Howard Moss, it was determined she was responsible for the weeds along the back of her fence as well as the area across the alley way.

Assistant City Manager Linda Hall addressed Mayor Key stating it appeared that an error had been made. She commented that Public Works was new to the abatement process and duty and she felt that City Manager Delphine Palmer would also be in agreement that this issue was in need of review. Ms. Palmer concurred.

Assistant City Manager Linda Hall suggested that the subject, code and state statute be reviewed and this matter be tabled.

Councilor Saager asked about street right of ways that property owners maintain. City Manager Delphine Palmer offered to review the inspection process and check the properties that were notified.

Mayor Key closed the hearing. It was the consent of the council to close the hearing, but table the resolution portion until the issues could be resolved.

Resolution No. 1885. Authorizing Write Off of Uncollected Debt. Finance Director Dave Richmond gave the council a historical account of how uncollected debts had been handled. Mr. Richmond stated that after an account termination/power shut-off, the account is sent to the Credit Bureau after 30 days and then after one year, the account is written off. However, the total of \$52,223 represents terminated accounts dating back to 1996. Of the total amount, \$4,100 is under bankruptcy, \$900 are those with no assets, \$2,800 are account receivables and the balance are the receivables on utility accounts. Mr. Richmond added that he was unsure what his predecessor's reasons for not doing this in the past were.

Councilor Saager asked if these would be kept up on a yearly basis now. Mr. Richmond stated they certainly would be and an accounting system and procedures were currently in place to assure this was done on a monthly basis.

Councilor Stewart questioned the normal amount of the yearly write-off. Mr. Richmond said less than \$1,000 monthly or \$12,000 annually which is less than 0.5% of gross receipts. Councilor Saager said this was very good.

Councilor Saager moved to adopt Resolution No. 1885 authorizing the write-off of uncollected debts. Councilor Kelley seconded the motion, which passed unanimously.

Approval of Liquor License application for La Poblana II. Police Chief Mike Gallaher addressed the issue stating he did not have any objection to this application based on

the investigation of his officers and historical knowledge of La Poblana at both locations. There have been no adverse history other than his victimization of a robbery several years ago. The facility is under good control, has outlined plans and after inspection of the facility it was determined the conditions of the store were consistent with the plans, therefore Chief Gallaher recommended the license application for takeout sales be approved.

Mary Clark addressed the council stating that the Merchants had done an informal survey of La Poblana II and recommended the application for approval as well due to location and traffic.

Councilor Dick Stewart moved to approve the liquor license application for La Poblana II location at 14 N. Elizabeth. Councilor Saager seconded the motion, which was approved unanimously.

Ordinance No. 906, Amending Chapter 3 of Title 9 Regarding Bicycles. City Manager Delphine Palmer addressed the council saying that during a previous council meeting, Councilor Saager raised the concern of persons being hit by bicyclists riding on the sidewalk. After discussion with Police Chief Mike Gallaher, Ms. Palmer added a clause to the ordinance that "no persons shall ride or operate any bicycle, skateboard, scooter, or skates of any type." The impounding of bicycles, skateboards, and scooters have also been added to the ordinance to aid in enforcement.

Councilor Saager clarified that the additions to the ordinance would not include motorized wheel chairs or the three-wheel chairs our handicapped citizens use. Ms. Palmer concurred.

Councilor Lyon questioned how to identify boundaries of the business district. Ms.

Palmer suggested to place signs to establish the identity of our business districts.

Assistant City Manager Linda Hall reminded council of our School Resource Officer and the education he is doing within the schools to inform our youth of this ordinance. Ms.

Palmer thought perhaps that signs were not necessary at this time.

Don Wiggins approached council asking what method was in place for older youth who may or may not have parental contact. Ms. Palmer stated that the impounding program would be effective.

Councilor Dick Stewart thought signs would aid in the definition of our business district.

Councilor Kelley said that where she worked in Walla Walla, that signs are used to define business areas, but that signs can be removed. Ms. Palmer suggested the painted cut-outs on the sidewalks.

Councilor Lyon again said that our police department needs clarification of the ordinance and the use of the phrase "business district." Police Chief Gallaher said the traffic light to Zip Trip was their concern. Chief Gallaher was not as concerned about businesses where doors did not open onto the street.

Councilor Kelley stated she did not like the definition of the traffic light to Zip Trip. She revealed there are a lot of residential areas along this strip, that it would be better to suggest the Sub-Shop to Zip Trip on both sides.

Mary Clark approached the council suggesting the City investigate the possibility of bike paths. Ms. Clark further said that the Merchants have discussed this concern with residents that live in the area of our business districts.

Councilor Saager stated our concern needed to be where a business' front door enters onto the sidewalk. Assistant City Manager Linda Hall said that according to Councilor

Saager's theory, that City Hall nor Century 21 opened onto the sidewalk and would not qualify them as hazardous. Councilor Saager then said that neither did McDonald's or the Sub-shop. Councilor Saager further said that he felt the ordinance could be confined to small areas within the south and north business districts. Chief Gallaher said that in the north district the concern is the 400 block through the 700 block and in the south district the 800 block through the 1100 block. Councilor Saager agreed with the parameters outlined by Chief Gallaher.

City Manager Delphine Palmer stated that she did not agree with having designated blocks. That if a bicyclist was riding recklessly within any business district, that our police should be able to discern the dangers involved and act accordingly, using their discretion. Councilor Saager stated he agreed with Ms. Palmer. Councilor Kelley stated she wanted to see a map marked out before she made a decision, that the ordinance should be more defined. Assistant City Manager Linda Hall pointed out that the zoning ordinance shows parameters for our police to discern if the bicycle ordinance is applicable within the commercial business zones.

Councilor Lyon stated the City needed to try the ordinance with the amendment language in Chapter 3 of Title 9 to include "applicable to businesses whose main entrances or front doors open onto the sidewalk in question."

Councilor Lyon motioned to amend Ordinance 906 as presented. Councilor Kelley seconded the motion, which passed unanimously.

Councilor Saager moved Ordinance No. 906 as amended, be introduced and full reading waived. Councilor Kelley seconded and a roll call vote was taken: Councilor Saager, yea, Councilor Lyon, yea, Councilor Stewart, yea, and Councilor Kelley yea. Motion carried unanimously. The City Manager then read the ordinance by title.

Councilor Kelley moved to adopt Ordinance No. 906 by title only and full reading waived. Councilor Lyon seconded and the motion carried unanimously. The City Manager read the ordinance by title. Councilor Kelley moved to adopt Ordinance No. 906, Councilor Saager seconded and a roll call vote was taken: Councilor Saager, yea, Councilor Lyon, yea, Councilor Stewart, yea and Councilor Kelley, yea.

Appointment of Planning Commissioner. Mayor Lewis Key recognized two very fine applicants: Steve Irving and Lorie McNeil. Mayor Lewis Key appointed Steve Irving as the newest member of the Planning Commission.

Councilor Kelley moved to accept the appointment of Steve Irving in the vacancy created on the Planning Commission. Councilor Saager seconded the motion, which passed unanimously.

#### MANAGER'S REPORT

City Manager Delphine Palmer reported she had met with Mary Dixon with RDI (Rural Development Initiatives), and has received a Community Assessment questionnaire assessing water, waste water, electricity, civic buildings, city buildings and school buildings. The assessment will provide information to develop goals and priorities. Ms. Palmer envisions community-wide meetings that will gather citizen input. After the assessments are completed, RDI has the college combine information into a readable format, prioritizing the data by citizen or community input. Ms. Palmer also said she was waiting to see if some grant monies may be available, hopefully by Friday.

Ms. Palmer met with Martin Davis, our Economic Developer, and along with CDP and the Chamber of Commerce, they would like to help retention and expansion of our City's

businesses. With volunteers, a basic community survey would be taken to determine customer origin, training needs, and how the City, CDP and the Chamber of Commerce may be an effective aid to our businesses. This survey may also aid in developing a program and acquiring grants.

Assistant City Manager Linda Hall and City Manager Delphine Palmer finished the Clerical Unit's job analysis and will present to the council in the next meeting five title changes.

Ms. Palmer reported that she would like to change the pay periods for City employees to a bi-monthly pay period (1<sup>st</sup> and 15<sup>th</sup>) to aid employees to better plan for bill paying and also aid in our payroll department's work load.

Ms. Palmer reported she had been asked to be Marilyn McBride's guest at Ferndale School last week. A second-grade class set up a restaurant business, making reservations, creating menus, dressing up as waiters and waitresses, and making the meal. Even though there was only one menu, orders were taken and tickets given for the orders. Even the atmosphere was changed with curtains closed and lights turned down low. The one thing the kids got in return were lots and lots of tips! Ms. Palmer reported she had the best time and was impressed with the innovative teaching techniques used at this school.

#### COUNCIL ANNOUNCEMENTS

Councilor Kelley publically congratulated Councilor Saager and Councilor Lyon for their wins in the primary. Councilor Kelley also recognized Keith Woods in the audience and congratulated him on his success in the primary.

There being no further business in open session, the meeting was adjourned to Executive Session pursuant to ORS 192.660 (1)(i) to evaluate the employment related performance of the City Manager at 7:56 p.m.

Council reconvened at 8:17 p.m. from executive session.

Councilor Saager moved to offer City Manager Delphine Palmer a 5% merit pay raise plus a cost of living adjustment, or COLA. Councilor Kelley seconded and the motion passed unanimously.

There being no further business, the meeting was adjourned at 8:19 p.m.

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Lewis S. Key, Mayor